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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,404

11/22/2006

Damien Mandy

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9106

39600

7590

10/23/2008

SOFER & HAROUN LLP.

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NEW YORK, NY 10017

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,404	<b>Applicant(s)</b> MANDY, DAMIEN	
	<b>Examiner</b> AKIBA K. ROBINSON BOYCE	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/13/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 11/22/06, the following is a non-final first office action. Claims 1-10 are pending in this application and have been examined on the merits. Claims 1-10 are rejected as follows.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "appropriate processing an communication means" in claims 1 and 10, "appropriate number" in claim 2, "appropriate input and processing means" in claims 2 and 10, and "appropriate table of charges" in claims 6, 7, 8, and 9 are relative terms that render the claims indefinite. The terms "appropriate processing an communication means" in claims 1 and 10, "appropriate number" in claim 2, "appropriate input and processing means" in claims 2 and 10, and "appropriate table of charges" in claims 6, 7, 8, and 9 are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because the terms "appropriate processing an communication means" in claims 1 and 10, "appropriate number" in claim 2, "appropriate input and processing means" in claims 2 and 10, and "appropriate table

Art Unit: 3628

of charges” in claims 6, 7, 8, and 9 are used, the entire claim and the scope of the invention unclear.

Claim 1 recites the limitation "the user" in line 2 and "the transaction" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (KR 2001028721 A), and further in view of Silberberg (US 20030010821 A1).

As per claims 1, 10, Lee discloses a system where a bar-code scanner reads the bar-code written on a refund ticket, and a controller that calculates a balance for residual parking time when the parking time fell short of full parking time and refunds the balance if the balance exceeds a minimum pay balance, and where a printer outputs a password number and the refund ticket in form of bar-code as shown in the abstract, and therefore discloses:

cooperating between said payment means and an appropriate processing and communication means for supplying to said user a code specific to the transaction/

Art Unit: 3628

payment means cooperating with appropriate processing and communication means to supply to said user a code specific to the transaction;

Lee does not specifically disclose cooperating between said payment means and an appropriate processing and input means whereby the user can enter the code of an earlier transaction and thereby increase said authorized parking time by any residual authorized time corresponding to the authorized time linked to said earlier transaction/ and wherein said payment means cooperates with appropriate processing and input means whereby the user can enter the code of an earlier transaction and thereby increase said authorized parking time by any remaining authorized time corresponding to the authorized time linked to said earlier transaction, however does disclose refunding residual time payment, which suggests some type of account, and also discloses that the printer outputs a password number and the refund ticket in the form of a bar-code as shown in the abstract, thereby suggesting that the user has direct access to the bar-code of the refunded transaction, which happened earlier since it needs to be refunded.

However, Silberberg discloses that the user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for in [0052], where a unique code printed on the parking meter and is inputted into the user's telephone to relay that data to the central station as shown in [0047], and therefore it would be obvious to combine the teachings of Lee and Silberberg to disclose cooperating between said payment

Art Unit: 3628

means and an appropriate processing and input means whereby the user can enter the code of an earlier transaction and thereby increase said authorized parking time by any residual authorized time corresponding to the authorized time linked to said earlier transaction/and wherein said payment means cooperates with appropriate processing and input means whereby the user can enter the code of an earlier transaction and thereby increase said authorized parking time by any remaining authorized time corresponding to the authorized time linked to said earlier transaction.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to cooperate between said payment means and an appropriate processing and input means whereby the user can enter the code of an earlier transaction and thereby increase said authorized parking time by any residual authorized time corresponding to the authorized time linked to said earlier transaction/and wherein said payment means cooperates with appropriate processing and input means whereby the user can enter the code of an earlier transaction and thereby increase said authorized parking time by any remaining authorized time corresponding to the authorized time linked to said earlier transaction with the motivation of showing that a user's is capable of using residual time to extend parking time.

As per claim 2, Lee does not specifically disclose wherein said parking space is identified by an appropriate number and the user must enter said number during the payment operation using the appropriate input and processing means cooperating with said payment means, but does disclose a minimum pay balance for residual parking time as shown in the abstract.

However, Silberberg discloses that the user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for in [0052], where a unique code printed on the parking meter and is inputted into the user's telephone to relay that data to the central station as shown in [0047], and therefore it would be obvious to combine the teachings of Lee and Silberberg to disclose wherein said parking space is identified by an appropriate number and the user must enter said number during the payment operation using the appropriate input and processing means cooperating with said payment means.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for said parking space is identified by an appropriate number and the user must enter said number during the payment operation using the appropriate input and processing means cooperating with said payment means with the motivation of showing that a user's is capable of using residual time to extend parking time.

As per claim 3, Lee does not specifically disclose wherein said number is used by said processing means to generate said specific code of the transaction, however does disclose a refund ticket in form of bar-code as shown in the abstract.

However, Silberberg discloses that a unique code printed on the parking meter and is inputted into the user's telephone to relay that data to the central station as shown in [0047], and therefore it would be obvious to combine the teachings of Lee and

Silberberg to disclose wherein said number is used by said processing means to generate said specific code of the transaction.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for said number to be used by said processing means to generate said specific code of the transaction with the motivation of showing that a user's is capable of using residual time to extend parking time.

As per claim 4, Lee does not specifically disclose wherein said authorized parking time is increased by any remaining authorized time corresponding to the authorized time linked to said earlier transaction code entered by the user only if said earlier transaction relates to the same parking space, but does disclose a minimum pay balance for residual parking time as shown in the abstract.

However, Silberberg discloses that the user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for in [0052], where a unique code printed on the parking meter and is inputted into the user's telephone to relay that data to the central station as shown in [0047], which suggests that the earlier transaction relates to the same parking space since the code is unique to the specific parking meter, and therefore it would be obvious to combine the teachings of Lee and Silberberg to disclose wherein said parking space is identified by an appropriate number and the user must enter said number during the payment operation using the appropriate input and processing means cooperating with said payment means.



It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for said parking space is identified by an appropriate number and the user must enter said number during the payment operation using the appropriate input and processing means cooperating with said payment means with the motivation of showing that a user's is capable of using residual time to extend parking time.

As per claim 5, Lee discloses:

wherein the authorized time corresponding to a given amount paid by a user is equal to the greater of the following times: the time directly related to said payment, as defined in particular by an appropriate table of charges, and *any remaining authorized time corresponding to the previous authorized time relating to said parking space*, (abstract, shows a calculation of a balance for residual parking time when the parking time fell short of full parking time and refunds the balance if the balance exceeds a minimum pay balance).

As per claim 6, Lee discloses:

wherein the authorized time corresponding to a given amount paid by a user is equal to the greater of the following times: the time directly related to said payment as defined in particular by an appropriate table of charges and *any remaining authorized times corresponding to preceding authorized times relating to said parking space*, (abstract, shows a calculation of a balance for residual parking time when the parking time fell short of full parking time and refunds the balance if the balance exceeds a minimum pay balance).

As per claim 7, Lee does not specifically disclose wherein only the time directly related to said payment as defined in particular by an appropriate table of charges is communicated to the user by appropriate communication means cooperating with said payment means, however does disclose the calculation of a balance for residual parking time in the abstract.

However, Silberberg discloses that a central controller can telephone the user's mobile telephone and display a message indicating that parking time is almost expired and asking for acknowledgment as to whether the meter should be topped up for a further payment period up to one hour which will be the maximum parking time allowed at that meter in [0027]. It therefore would have been obvious to combine the teachings of Lee and Silberberg to disclose that the time directly related to said payment as defined in particular by an appropriate table of charges is communicated to the user by appropriate communication means cooperating with said payment means.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the time directly related to said payment as defined in particular by an appropriate table of charges to be communicated to the user by appropriate communication means cooperating with said payment means with the motivation of informing the customer of the time as it relates to charges.

As per claim 8, Lee discloses:

wherein the authorized parking time after the user enters the code of an earlier transaction is equal to the greater of the following times: the time directly related to said payment, as defined in particular by an appropriate table of charges, plus any remaining

Art Unit: 3628

authorized time corresponding to the authorized time linked to said earlier transaction, and any remaining authorized time corresponding to the previous authorized time relating to said parking space, (abstract, shows a calculation of a balance for residual parking time when the parking time fell short of full parking time and refunds the balance if the balance exceeds a minimum pay balance).

As per claim 9, Lee discloses:

wherein the authorized parking time after the user enters the code of an earlier transaction is equal to the greater of the following times: the time directly related to said payment, as defined in particular by an appropriate table of charges, plus any remaining authorized time corresponding to the authorized time linked to said earlier transaction, and any remaining authorized times corresponding to previous authorized times relating to said parking space, (abstract, shows a calculation of a balance for residual parking time when the parking time fell short of full parking time and refunds the balance if the balance exceeds a minimum pay balance).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Art Unit: 3628

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
October 23, 2008

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628